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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Stefan MOELLER

Serial No.: 10/785,409

Group Art Unit: 3753

Filed: February 25, 2004

Examiner: T. J. Walberg

For: HEAT EXCHANGER

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

**Timing and Fees**

- Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
  - within three months of the filing date of a national application other than a CPA under § 1.53(d);
  - within three months of the actual filing date of the national phase of a PCT application; OR
  - before the mailing of a first substantive office action (including after filing of an RCE).
- Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
  - a final rejection under 37 C.F.R. 1.113;
  - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
  - a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
  - a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- a final action under 37 C.F.R. § 1.113;
  - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
  - a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- Copies of materials listed but not attached were cited in an international search report dated \_\_\_\_\_.
- Copies of the materials listed are attached.

### Non-English Language References

- An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone  
Y = document of particular relevance when it is combined with another such document  
A = document defining the general state of the art  
O = non-written disclosure  
P = intercalated document  
T = document cited to understand the theory or principle underlying the invention  
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date  
D = cited in the application  
L = cited for another reason  
& = publication of member of same patent family

- Translation of other relevant information on foreign search report

"Abildung" means figure, and das ganze Dokument" means the entire document

### Other Information

The instant application is related to copending application Serial No. 10/785,484. The references cited in '484 are cited in this Information Disclosure Statement.

Also, cited in this Information Disclosure Statement are the documents listed in an Article 115 Submission by L'Air Liquide in the corresponding EP application. These documents are DE 1 901 475 and FR 2 812 935. US 2002/0023739 corresponds to FR '935.

### Payment of Fees Due (If Any):

- A check for \$180.00 covering the fee identified above is attached.
- Please charge to Deposit Account No. 13-3402 \$                  for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

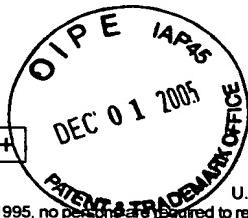


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Attorney Docket No.: LINDE-619

Date: December 1, 2005



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PTO/SB/08A (08-00)

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**Substitute for form 1449A/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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Sheet

2

1

1

**Complete if Known**

Application Number	10/785,409
Filing Date	February 25, 2004
First Named Inventor	Stefan MOELLER
Group Art Unit	3753
Examiner Name	T. J. Walberg

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		DE	1910475			8/27/1970	
		FR	2812935			2/15/2002	1

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/785,409
(use as many sheets as necessary)				Filing Date	February 25, 2004
				First Named Inventor	Stefan MOELLER
				Group Art Unit	3753
				Examiner Name	T. J. Walberg
Sheet	2	of	2	Attorney Docket Number	LINDE-619

## NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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